

Town Board Minutes

Meeting No. 6

Special Meeting

February 10, 2003

Town Board Minutes

February 10, 2003

Meeting No. 6

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 10th day of February 2003, at 6:30 PM and there were

PRESENT: ROBERT GIZA, SUPERVISOR
 MARK MONTOUR, COUNCIL MEMBER
 RONALD RUFFINO, COUNCIL MEMBER
 DONNA STEMPIAK, COUNCIL MEMBER
 JOHN GOBER, PLANNING BOARD MEMBER
 LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
 MICHAEL MYSZKA, PLANNING BOARD MEMBER
 STEVEN SOCHA, PLANNING BOARD MEMBER

ABSENT: RICHARD ZARBO, COUNCIL MEMBER
 REBECCA ANDERSON, PLANNING BOARD MEMBER
 STANLEY KEYSA, PLANNING BOARD CHAIRMAN
 MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
 RICHARD SHERWOOD, TOWN ATTORNEY

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
CRICKET COMMUNICATIONS CELL TOWER CO-LOCATION**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Cricket Communications cell tower co-location matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
CRICKET COMMUNICATIONS CELL TOWER CO-LOCATION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 0.01± acres.

The location of the premises being reviewed is situate at 69 Cemetery Road, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
No significant adverse effects noted
 - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No significant adverse effects noted
 - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No significant adverse effects noted
 - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No significant adverse effects noted
 - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No significant adverse effects noted
 - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No significant adverse effects noted
 - C.7 Other impacts (including changes in use of either quantity or type of energy).
No significant adverse effects noted
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

SEAL

February 10, 2003

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.


February 10, 2003

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY
COUNCIL MEMBER MONTOUR FOR ADJOURNMENT OF THE MEETING, on roll,
which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT

The meeting was adjourned at 6:43 P.M.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 7

Regular Meeting

February 10, 2003

Town Board Minutes

February 10, 2003

Meeting No. 7

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 10th day of February 2003 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
GARY STOLDT CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
MARY ANN PERRELLO, DEPUTY TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Scott, Peter, Representative of Section VI Softball League, spoke to the Town Board on the following matter:

- Thanks to Terry McCracken & Recreation Department for use of Walden Pond Park for four (4) consecutive years of tournaments.

Seeger, David, Esq., spoke to the Town Board on the following matters:

- Concerns about the Town Board approval of NEC Transit/William site plan.
- Concerns about the low wages paid by Wal-Mart.

Eliason, Don, 3831 Grannery Drive, Erie, PA. spoke to the Town Board on the following matters:

- As a representative of union workers he has concerns about jobs that will be lost if Wal-Mart operates in Lancaster.

Bucheker, Don, 95 E. Rouen Drive, Cheektowaga, spoke to the Town Board on the following matter:

- As a Tops employee, he is concerned about Wal-Mart coming to Lancaster.

Colby, Jeremy, 9 Broadmoor Court, spoke to the Town Board on the following matters:

- Questions about wetlands in Pleasant Meadows Subdivision.
- Questions about the public comment period and the public hearing on Pleasant Meadows Subdivision.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions about the Memorandum of Agreement between the Town of Lancaster and the Police Union.
- Wants the Village of Depew to be excluded from any police merger and the expense of a new police station.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Concerns that the conditions put upon the original site plan approval of NEC Transit/William LLC are not included in current site plan resolution.
- Comments about the public hearing set for Pleasant Meadows Subdivision.
- Comments about the police merger.

Przybysz, Paul, 66 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about the revised site plan of NEC Transit/William LLC.
- Concerns about the height of the berm and the vegetation on it at NEC Transit/William LLC.
- Wants to know why conditions in resolution of May, 2002 are not included in tonight's resolution - 15' of berm is lost on new resolution approval.
- Comments about his military service.
- Concerns about Wal-Mart's employment practices.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Requests that resolutions 5, 18 & 21 be tabled; he feels they are contrary to the purpose of our Town Zoning Code.
- Submitted petition of property owners opposed to the annexation of a 7.9 acre site on Columbia Avenue from Town of Lancaster to Village of Depew.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held January 14, 2003, the Joint Meeting of the Town Board and the Village of Depew Board Members held January 21, 2003 and the Regular Meeting of the Town Board held January 21, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

*Rescinded
3/3/03
m*

WHEREAS, the Supervisor has requested changes and adjustments to Personnel in the Highway Department of the Town of Lancaster in accordance with a letter dated January 17, 2003.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

Section 1: That the position of Highway Maintenance Clerk be abolished in the Highway Department, effective March 1, 2003.

Section 2: That one (1) additional position of Clerk Typist be created to be used in the Highway Department, effective February 17, 2003.

Section: 3: That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

file: rpers\pers.crc (P12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for a sealed bid auction of a 1989 White dump truck (Vehicle Identification No. 4V2SEBBDOKU503185) which is no longer of use to the Highway Department and was deemed surplus property by the Town Board, and

WHEREAS, said bids were opened on January 22, 2003, and

WHEREAS, the Highway Superintendent of the Town of Lancaster by letter dated January 24, 2003 has recommended that the bid submitted by Nature's Way Environmental Consultants & Contractors be accepted with a bid price of \$14,000.

NOW, THEREFORE, BE IT

RESOLVED, that the sealed auction bid by Nature's Way Environmental Consultants & Contractors Inc. in the amount of \$14,000 be accepted on the 1989 White dump truck (Vehicle Identification No. 4V2SEBBDOKU503185) which is no longer of use to the Highway Department and has been deemed surplus property by the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: rauctionhighwayvehicle203

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has engaged the services of Clough, Harbour and Associates LLP to provide consulting engineering services regarding the proposed Comprehensive Master Plan for the Town of Lancaster relating to the environmental review to be completed by the Town, and

WHEREAS, Clough, Harbour and Associates LLP has advised the Town that it will have certain expenses for mileage, mailings and copies in a sum not to exceed \$300 and has requested that the Town provide for payment of same, and

WHEREAS, the Town Board has reviewed the request and deems it appropriate to provide for the payment of up to \$300 in reimbursable expenses for mileage, mailings, copying etc. to Clough, Harbour and Associates LLP.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the payment of up to \$300 in reimbursable expenses to Clough, Harbour and Associates LLP for its work as consulting engineer on the environmental review of the proposed Comprehensive Plan of the Town of Lancaster as aforesaid.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously by Town Board resolution approved a site plan submitted by Bella Vista Group, Inc. on behalf of NEC Transit William LLC for the development of the northeast corner of Transit Road and William Street in the Town of Lancaster, said resolution having been approved by the Town Board on May 6, 2002, and

WHEREAS, the Town of Lancaster Planning Board has undertaken a review of the revised site plan as submitted and the Zoning Board of Appeals has undertaken the review of area variances sought by the applicant proponent of the proposed development, and

WHEREAS, the Town Board after due review and consideration deems it appropriate to rescind the action taken by the Town Board resolution on May 6, 2002 by which the Town Board approved a site plan that was then before the Town Board of the Town of Lancaster for its review and determination.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rescinds the resolution of the Town Board made on May 6, 2002 which approved the site plan of Bella Vista Group, Inc. on behalf of NEC Transit William LLC in light of the fact that the same developer proponent has now submitted a revised site plan for the consideration of the Town Board for the development of the site in question, and

BE IT FURTHER

RESOLVED, that the action taken by the Town Board in the rescinding of the approval of a site plan by Town Board resolution on May 6, 2002 should not be construed to constrain or bind the Town Board from undertaking review of any revised site plan as has now been submitted to the Town of Lancaster or may be submitted in the future for its review and consideration relating to development of the site at the northeast corner of Transit Road and William Street in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend Article IV of Chapter 40, Taxation, by the repeal in its entirety of §40-17 entitled Exemption Schedule , and to enact in place thereof a Local Law of the Year 2003 enacting a new §40-17 of said Chapter 40 - Taxation, which reads as follows:

TAXATION
CHAPTER 40 - ARTICLE IV
TAXATION
§40-17 - EXEMPTION SCHEDULE
LOCAL LAW
OF THE YEAR 2003

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §40-17 OF CHAPTER 40 - TAXATION, AND ENACTING IN PLACE THEREOF A NEW §40-17 OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. That §40-17 of Article IV of Chapter 40-taxation be and is hereby deleted.

SECTION 2. That a new §40-17 of Article IV, of Chapter 40-Taxation of the Code of the Town of Lancaster be and is hereby enacted as follows:

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$21,500	50 per centum
More than \$21,500 but Less than \$22,500	45 per centum
More than 22,500 but Less than 23,500	40 per centum
More than \$23,500 but Less than \$24,500	35 per centum
More than \$24,500 but Less than \$25,400	30 per centum
More than \$25,400 but Less than \$26,300	25 per centum
More than \$26,300 but Less than \$27,200	20 per centum
More than \$27,200 but Less than \$28,100	15 per centum
More than \$28,100 but Less than \$29,000	10 per centum
More than \$29,000 but Less than \$29,900	5 per centum

SECTION 3. This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2003, which local law repeals in its entirety Section 40-17 of Article IV of Chapter 40- "Taxation" of the Code of the Town of Lancaster, and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40-Taxation of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 24th day of February, 2003, and that Notice of the Time and Place of such Hearing shall be published on February 13, 2003, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2003, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 10, 2003 the said Town Board will hold a Public Hearing on the 24th day of February, 2003 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2003, which Local Law repeals in its entirety, Section 40-17 of Article IV of Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40-Taxation, of the Code of the said Town, briefly described as follows:

A Local Law which repeals Section 40-17 of Article IV, Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new Chapter.

This Local Law sets forth the Exemption Schedule for disabled persons by amending the above section of the Town Code.

A complete copy of this proposed Local Law of the Year 2003, designated as Section 40-17, of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, §467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, and

WHEREAS, the State Legislature by passage of Chapter 202 of the Laws of 2002 has provided by legislation a new sliding scale which will grant further relief to those owners meeting the eligibility criteria, and

WHEREAS, the effect of the increase in income eligibility will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

WHEREAS, the Town Board deems it in the public interest to adopt the new graduated scale.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held on the 24th day of February at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that a Notice of the time and place of such hearing shall be published in the Lancaster Bee, the Official Newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN, that pursuant to Section 467 of the Real Property Tax Law and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 10th day of February, 2003 said Town Board will hold a Public Hearing on the 24th day of February, 2003, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, as follows:

SENIOR CITIZENS TAX EXEMPTION

1. <u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Less than \$21,500	50 per centum
More than \$21,500 but Less than \$22,500	45 per centum
More than \$22,500 but Less than \$23,500	40 per centum
More than \$23,500 but Less than \$24,500	35 per centum
More than \$24,500 but Less than \$25,400	30 per centum
More than \$25,400 but Less than \$26,300	25 per centum
More than \$26,300 but Less than \$27,200	20 per centum
More than \$27,200 but Less than \$28,100	15 per centum
More than \$28,100 but Less than \$29,000	10 per centum
More than \$29,000 but Less than \$29,900	5 per centum

2. The partial exemption being provided for herein shall be subject to the provisions of Section 467 of the Real Property Tax Law, and any other law or statute applicable thereto.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR. TO WIT:

WHEREAS, the Town of Lancaster has received a request from SBA Properties, Inc. to permit a co-location by Cricket Communications on the telecommunication tower on privately owned property at 69 Cemetery Road in the Town of Lancaster under lease to SBA Properties, Inc., and

WHEREAS, the Town Code §50-41.3 provides that co-locators may be placed on the tower only after the proposed co-location has been approved by the Town Board, and

WHEREAS, the Town of Lancaster SEQR Municipal Review Committee has duly reviewed the proposed action and determined that the action will have no significant adverse environmental impact and has issued a Negative Declaration, and

WHEREAS, the Town Board of Town of Lancaster has given due review and consideration to the co-location.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes Cricket Communications to co-locate on the SBA Properties' telecommunication tower at 69 Cemetery Road in the Town of Lancaster after payment of the co-location fee to the Town of Lancaster as required under the Town Code §30-4. (C) (3).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has negotiated with the Village Board of the Village of Lancaster regarding the transfer of functions of the Village of Lancaster Police Department into the Town of Lancaster Police Department, and

WHEREAS, the Town Board has given due review and consideration to the transfer of functions and deems it to be in the public interest to accept the transfer of functions from the Village of Lancaster Police Department into the Town of Lancaster Police Department, and

WHEREAS, the Town Board has reviewed a proposed Intermunicipal Cooperative Agreement as is authorized under Article 5-G of the General Municipal Law which provides for the transfer of functions, and

WHEREAS, after consideration of the beforementioned Agreement the Town Board deems it in the public interest to approve the Agreement to provide for the transfer of functions of the police department of the Village of Lancaster into the Town of Lancaster Police Department.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the General Municipal Law Article 5-G Intermunicipal Cooperative Agreement in form attached hereto which provides for the transfer of the functions of the Village of Lancaster Police Department into the Town of Lancaster Police Department and further the Town Board authorizes the Supervisor of the Town of Lancaster to execute such Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER ST'EMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

February 10, 2003

File: rpolice merger203

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, the General Crew Chief of the Parks and Recreation
Department of the Town of Lancaster by letter dated February 3, 2003 has recommended the
appointment of Glenn Roll to the position of Van Driver, permanent, part- time, at the Senior
Citizens Center of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Glenn Roll, 17 Cayuga Avenue, Lancaster, New York be
and is hereby appointed to the position of Van Driver, permanent, part-time, at the Senior
Citizen Center of the Town of Lancaster, effective February 10, 2003, at \$6.75 per hour, and
that this appointment, being a part time position, provides no health insurance, sick days,
vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

file: Rpers\Rperste p1 (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously by Town Board resolution approved an application submitted by Richard Zarbo for a Home Occupation (Gun Shop) on premises located at 357 Stony Road, Lancaster, New York, said resolution having been approved with conditions by the Town Board on June 3, 1996, and

WHEREAS, the Town Board after due review and consideration deems it to be in the public interest to rescind the action taken by Town Board resolution on June 3, 1996 by which the Town Board approved a Special Use Permit for a Home Occupation (Gun Shop) on premises located at 357 Stony Road, Lancaster, New York since the holder of the Special Use Permit no longer resides on the premises which is a condition of the Special Use Permit as granted by the Town Board.

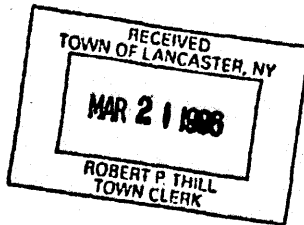
NOW, THEREFORE, BE IT

RESOLVED, that the Special Use Permit for a Home Occupation (Gun Shop) on premises located at 357 Stony Road, Lancaster, New York previously granted by Town Board resolution on June 3, 1996, be and is hereby rescinded since the resolution recites that the Special Use Permit terminates when the applicant no longer resides on the premises. The Town Board having been made aware that the applicant/permit holder is no longer residing on premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003



Mr. Richard D. Zarbo
357 Stony Road
Lancaster, N.Y. 14086

March 21, 1996

Town Board
Town of Lancaster
Robert P. Thill
21 Central Avenue
Lancaster, N.Y. 14086

Dear Sirs,

I am writing this letter to request a Special Use Permit for my property at 357 Stony Road, Lancaster, N.Y. 14086, for a Home Occupation. (gun shop)

The reason for this special permit is to conform to local code requirements. I have a Federal License for the purpose of buying, selling and trading Rifles and Shotguns.

Only I will be engaged in this business. My occupation is clearly incidental and subordinate to the use of the premises for residential purposes. The shop will have a square footage of 100 square feet. My shop is located in my basement area located on enclosed drawing. Basement total square footage is 1080 square feet.

There will be no change in the outside appearance of my home. With having a shop in my home, it will cause no smell or noise, vibration, glare or electrical interference perceptible to the normal senses off the lot. I will be following all the codes according to chapter 50-17F of the Town of Lancaster.

I do not stock large supplies of ammunition. I do not trade or sell handguns. It is a very low volume business. I have a large custom safe that can hold thirty six (36) long guns.

Any ammunition on premises is for personal use only.

I wish no signs on the premises.

Enclosed you will find a layout of my shop for the above property. I am also enclosing a check of \$150.00.

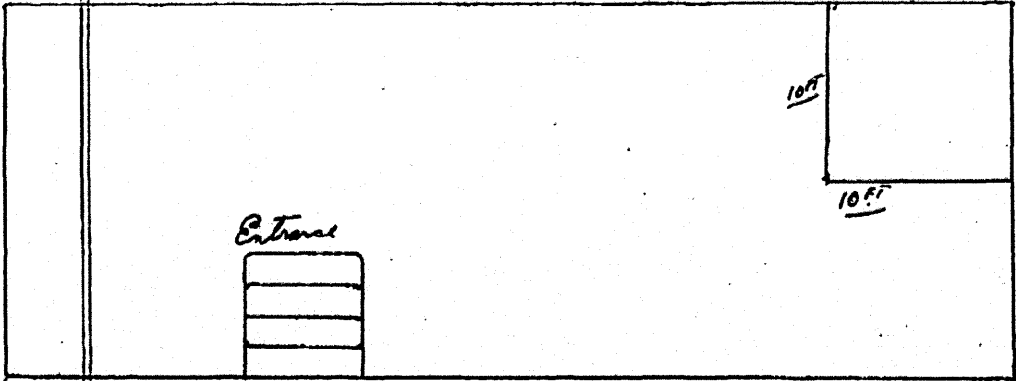
I sincerely hope that you decide in favor of this request.

Yours Truly,

A handwritten signature in dark ink, appearing to read "Richard D. Zarbo".

Richard D. Zarbo
685-3797

Basement A. = 357 STORY RD.



Drawing not to scale.
Step area not to exceed 100 sq ft.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of RICHARD D. ZARBO for a Special Use Permit for a Home Occupation (Gun Shop), on premises located at 357 Stony Road, Lancaster, New York, , and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to Chapter 50 - Zoning - Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to RICHARD D. ZARBO, for a Home Occupation (Gun Shop) on premises located at 357 Stony Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, with the stipulation that not more than two (2) client cars be parked on or adjacent to the property at any given time;
2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:
 - a. Only persons residing on the premises shall be engaged in such an occupation;
 - b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted YES to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;

There shall be no change in the outside appearance of the Building or premises or other visible evidence of the conduct of such home occupation;

- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;

and the additional following conditions:

- e.. There shall be no outdoor sign advertising this business;
- f. There shall be no discharge of firearms on the premises by the owner applicant or any other person; and
- g. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 3, 1996

File: rasup

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, SOUTHEAST WORKS provides general cleaning services to
the Town of Lancaster at the Town Court and Police Headquarters Building through its
Supported Employment Program, and

WHEREAS, the Town Board deems it in the public interest to continue this
service.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes
the Supervisor of the Town of Lancaster to execute a contract with Southeast Works, which will
provide for a continuation of cleaning services at the Town Court and Police Headquarters
Building located at 525 Pavement Road, Lancaster, New York .

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: southeastworkcleaningcontract

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS the Town of Lancaster, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE,

BE IT RESOLVED BY the Lancaster Town Board

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Town Supervisor is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster, in preparation for the proposed transfer of Police functions from the Village of Lancaster to the Town of Lancaster Police Department, has requested the creation of the following positions in order to meet the needs of this consolidation:

Police Officer	10 additional slots
Police Lieutenant	3 additional slots
Police Detective (Temp)	2 additional slots
Public Safety Dispatcher	3 additional slots
Clerk Stenographer	1 additional slot
Clerk Typist	1 additional slot

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and sign PO-17 Forms (New Positions Duties Statement) to create these positions.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: RPERS.CRE (PI)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 2003 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were duly opened on February 6, 2003, and

WHEREAS, CONCORD NURSERIES, INC., 10175 Mile Block Road, North Collins, New York 14111 has submitted the lowest responsible bid in the amount of \$29,981 for furnishing said trees to the Town of Lancaster, and

WHEREAS, the General Crew Chief, by letter dated February 6, 2003 requests the Town Board to accept the bid of Concord Nurseries, Inc., and

WHEREAS, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 2003 bid prices from Concord Nurseries, Inc. at his discretion for whatever other tree plantings the Town may incur in 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the bid of CONCORD NURSERIES, INC., 10175 Mile Block Road, North Collins, New York 14111, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to place orders with Concord Nurseries, Inc. for those trees which the Town of Lancaster needs for its 2003 Tree Planting Program, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 2003 bid prices from Concord Nurseries, Inc. at his discretion for whatever other tree plantings the Town may incur in 2003.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003
FILE: RHOTREES (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster Planning Board has recommended a new specification for the construction of cul-de-sacs in developments where a cul-de-sac is incorporated into a street design which street will be offered for dedication to the Town, and

WHEREAS, the Town Engineer has provided engineering detail to the Planning Board in this effort, and

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration believes it to be in the interest of Town residents to adopt the specifications recommended by the Planning Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts the following detail and general specifications for the placement and construction of cul-de-sacs on streets to be offered for dedication to the Town under a public improvement permit:

- The center islands should be made smaller than those presently used and should have a 4' hard surface from the back of the curb to the commencement of vegetation. The curb shall be a rolled curb 24" wide.
- Permissible radius in cul-de-sacs shall be 75' to the property line. The pavement radius shall be 56' to the face of the outside curb and the islands shall have a 28' radius to the face of the inside curb. The pavement width shall be 28'. The vegetated island will have a 22' radius.
- Vegetation in the island shall consist of grass, conifers and deciduous trees from a list of Town trees included in the Town tree planting program with no shrubbery permitted.
- There shall be no landscaping stone or gravel or any electrical service permitted in the island. Developers will be required to submit a landscape plan for approval at the sketch plan review.
- The Planning Board should determine the number of cul-de-sacs to be permitted in a subdivision based upon the unique characteristics of each subdivision.
- The maximum length of a dedicated street with a cul-de-sac in a subdivision shall be no greater than 800'.

The question of the adoption of the following resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, it has been brought to the attention of the Town Board that the property locally known at 25 Woodgate Drive in the Town of Lancaster had an in ground pool installed under Building Permit No. 3025 issued on October 11, 1995 and that the pool as it is now situated extends over the southern boundary line of the lot line and encroaches into an area that was conveyed by the developer to the Town of Lancaster as a part of the detention basin, and

WHEREAS, the owner is now in the process of selling the home and a title issue has arisen regarding the encroachment of the pool into the Town owned property which jeopardizes the sale of the premises, and

WHEREAS, the Town Board after due review and consideration deems it in the public interest to grant relief to the owner and occupant of 25 Woodgate Drive to permit a permanent easement over the Town owned property to quiet any question of title which is caused by the encroachment of the in ground pool into the Town owned parcel.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a permanent easement in recordable form which will provide a continuing right for the placement of the in ground pool in the area owned by the Town of Lancaster to the south of the premises known as 25 Woodgate Drive, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road West Seneca, New York 14224, is the contract vendee to Manufacturers and Traders Trust Company on a parcel of land located on the north side of Walden Avenue, south of Pleasant View Drive, between Central Avenue and Stony Road in the Town of Lancaster, New York, and the parcel is the subject of a petition for the rezone of said property from the following: 67 ± acres of land from R1 (Residential District One) to R2 (Residential District Two), 55 ± acres of land from R1 (Residential District One) to RCO (Residential Commercial Office), 39 ± acres of land from R1 (Residential District One) to MFR-3 (Multi-Family District Three), 55 ± acres of land from R1 (Residential District One) to MFR-4 (Multi-Family District Four) to accommodate development of a multi-use development consisting of 174 ± single family homes, 120 ± patio homes, 512 ± apartment units, 10 ± offices, leaving a remainder of 42 ± acres to be dedicated as a park and nature preserve, and

WHEREAS, the petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report, and

WHEREAS, the Planning Board has made a recommendation on November 1, 2000 to grant the zoning change with conditions as set forth in its resolution.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 24th day of February, 2003, at 8:50 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on February 13, 2003, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: rezonepleasantmcdowds203

**LEGAL NOTICE
PUBLIC HEARING
PLEASANT MEADOWS SUBDIVISION
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 10th day of February, 2003, the said Town Board will hold a Public Hearing on the 24th day of February, 2003, at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property: 67 ± acres of land from R1 (Residential District One) to R2 (Residential District Two), 55 ± acres of land from R1 (Residential District One) to RCO (Residential Commercial Office), 39 ± acres of land from R1 (Residential District One) to MFR-3 (Multi-Family District Three), 55 ± acres of land from R1 (Residential District One) to MFR-4 (Multi-Family District Four) to accommodate development of a multi-use development consisting of 174 ± single family homes, 120 ± patio homes, 512 ± apartment units, 10 ± offices, leaving a remainder of 42 ± acres to be dedicated as a park and nature preserve.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

February 10, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Shirley Hunt is presently a Clerk, part time in the Police Department of the Town of Lancaster, and

WHEREAS, in preparation for the transfer of functions of the Village of Lancaster Police Department to the Town of Lancaster Police Department, the Chief of Police of the Town of Lancaster, by letter dated February 3, 2003, has recommended the appointment of Shirley Hunt to the position of Secretary to the Supervisor, sharing her time between the Police Department and the Supervisor's Office.

NOW, THEREFORE, BE IT

RESOLVED, that Shirley T. Hunt, 13 Cedar Brook Drive, Lancaster, New York 14086, be and is hereby appointed to the position of Secretary to the Supervisor, sharing her time between the Police Department and the Supervisor's Office, effective February 17, 2003, with full benefits, and

BE IT FURTHER

RESOLVED, that the 2003 Schedule of Salaries must be amended for this position, namely for the period of February 17, 2003 to August 16, 2003 shall be \$24,286 (75% of full rate) and from August 17, 2003 to December 31, 2003 shall be \$25,906 (80% of full rate), with full rate being \$32,381.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003.

File: RPERS.APP

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Eastport Commerce Center within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated February 6, 2003 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Eastport Commerce Center, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 561 - Pavement & Curb

P.I.P. No. 563 - Storm Sewer

P.I.P. No. 564 - Waterline

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: RPIP (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR ROBERT GIZA, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, on May 6, 2002, the Town of Lancaster Town Board previously approved a site plan submitted by Bella Vista Group, Inc., on behalf of NEC Transit William LLC, for the development of a retail shopping establishment consisting of two buildings totaling approximately 270,000 square feet on approximately 36 acres of land located at the northeast corner of Transit Road and William Street in the Town of Lancaster (the "Property"), and

WHEREAS, due to changes in the design, size, and number of buildings and other improvements of the proposed development, the applicant on December 24, 2002 submitted a revised site plan for the Property for Planning Board review and Town Board approval, and

WHEREAS, the applicant is seeking approval to proceed at this time with the development of a single, approximately 150,327 square foot retail or commercial building with alterations in the layout of the proposed development.

WHEREAS, the Building and Zoning Inspector of the Town of Lancaster determined that certain items in the applicant's revised site plan did not conform to the provisions of Chapter 50, Zoning of the Code of the Town of Lancaster and therefore required the granting of six area variances, two of which had previously been granted by the Town of Lancaster Zoning Board of Appeals on June 13, 2002 in connection with the applicant's original site plan application and were later rescinded by the Zoning Board of Appeals on November 14, 2002 at the applicant's request due to changes in the project.

WHEREAS, on December 19, 2002 the applicant submitted an application for six area variances in connection with the current site plan proposal.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster reviewed the petitioner's application for the six area variances and considered testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of January, 2002, and

WHEREAS, on January 23, 2003, the Zoning Board of Appeals of the Town of Lancaster rendered findings under the New York State Environmental Quality Review Act (SEQRA) that none of the requested variances presented a potential adverse environmental impact and approved all but one of the requested variances, to wit: the Zoning Board of Appeals denied the applicant's request for a variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster, which limits the maximum height of a pole sign to twenty-five [25] feet.

The Clerk presented into evidence the following items:

Duly executed December 24, 2002 application for site plan approval with exhibits and schedules thereto.

Copies of the SEQRA Supplemental Draft Environmental Impact Statement (SDEIS) and a Final Environmental Impact Statement (FEIS) previously accepted by the Town of Lancaster Town Board as well as the Town Board's resolution dated April 8, 2002 adopting SEQRA findings in connection with the applicant's prior rezoning application. It was noted that the applicant's rezoning application included a conceptual site plan encompassing approximately 36.9 acres for a commercial development that would convert approximately 33.63 acres for the construction of not one, but two buildings, totaling approximately 270,000 square feet and associated parking, driveways, storm water detention and related facilities.

A copy of the Lancaster Zoning Board of Appeal's January 23, 2003 SEQRA findings and findings of fact concerning the applicant's request for area variances.

Copies of documents submitted by the applicant on January 14, 2003:

United States Army Corps of Engineers wetlands permit duly executed by NEC Transit William, L.L.C.

New York State Department of Environmental Conservation November 13, 2002 determination that no water quality certification is required for the project.

Updated light diffusion drawing for the project.

January 7, 2003 reply of the Erie County Division of Planning to the Town's referral of the pending site plan application and accompanying comments from the Traffic Safety Engineer.

Copies of written comments submitted by members of the public on the current site plan proposal.

WHEREAS, the Planning Board of the Town of Lancaster reviewed the applicant's current site plan submission, including numerous exhibits and the aforementioned SDEIS, FEIS, and SEQRA Findings Statements issued by the Town Board on April 8, 2002, and considered such evidence at a duly published and posted public meeting held at 21 Central Avenue, Lancaster, New York, on the 8th day of January, 2003, and

WHEREAS, the Planning Board of the Town of Lancaster, by resolution dated January 8, 2003, recommended that the Town Board of the Town of Lancaster issue any additional SEQRA findings it may deem necessary in light of the changes and improvements to the applicant's proposed site plan, and

WHEREAS, the Planning Board of the Town of Lancaster, by resolution dated January 8, 2003, further recommended that the Town Board approve the applicant's site plan submission, subject to various conditions, including the issuance of any area variances deemed necessary by the Town of Lancaster Zoning Board of Appeals, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the applicant's current site plan submission, including numerous exhibits and the aforementioned SDEIS, FEIS, the SEQRA Findings Statements issued by the Town Board on April 8, 2002, and the SEQRA Findings Statements issued by the Zoning Board of Appeals on January 23, 2003, and

WHEREAS, the Town of Lancaster Town Board has made the following findings:

That the applicant is the owner of a portion of the premises in question and, with respect to the remaining portion, is the designated representative of the landowners John and Carolyn Martzolf.

That the property for which the applicant is petitioning is within a General Business District (GB), as specified in Chapter 50 of the Code of the Town of Lancaster and as set forth in the map of the Town of Lancaster adopted on May 15, 1989, and as amended to date.

That the premises are located on Transit Road at its intersection with the northeast corner of William Street within the Town of Lancaster. The premises have entrance access on William Street but are set back approximately 235 feet from Transit Road.

That Transit Road is a New York State Arterial Roadway known as Route 78.

That property to the rear and east of the proposed development is residential. A townhouse development locally known as Northwood Village is contiguous to the east rear property line of the proposed development.

That property to the north of the proposed development is commercial with a few scattered residences on Transit Road.

That property to the west fronting on Transit Road and contiguous to the proposed development is commercial - Applebees, a proposed McDonalds and a proposed Sunoco station. Property across Transit Road in the Town of Cheektowaga is Commercial - a Charter One Bank and a Wegmans shopping center.

That property to the south of the proposed development is commercial and residential. An Eickert Drug Store is on the southeast corner of Transit Road and William Street. A Flix movie theatre has entrance access on Transit Road and on William Street. A townhouse development locally known as Eastwood Village has entrance access on William Street near the proposed development and has a west property line contiguous to the Flix movie theatre property.

That the Town of Lancaster has formalized a Comprehensive Plan dated 1999, by Peter J. Smith & Company and The Saratoga Associates, which recognizes Transit Road as a regional corridor for commerce. The State of New York recently undertook a major project to widen Transit Road from two lanes to five lanes, adjacent west of the Property, to accommodate and manage vehicular traffic and commercial development along Transit Road. The widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of Cheektowaga, Town of West Seneca and Village of Depew.

That the site plan application has been duly referred to the Erie County Department of Environment and Planning pursuant to section 239m of the General Municipal Law, and that the application has also been referred to the Town of Cheektowaga.

That the Erie County Division of Planning has determined that the proposed project is a matter of local concern.

That the County Traffic Safety Engineer has requested (1) an updated traffic study in connection with realignment of the Flix Theatre Driveway once the site is fully operational; and (2) updated plans for improvements to William Street, from Transit Road to east of the project site, to reflect the offset driveway alignments.

That the Town Board has compared the current site plan application to the conceptual site plan addressed in the aforementioned SDEIS and FEIS and makes the following findings:

That the gross square footage of the proposed retail shopping establishment on the southern portion of the site will be increased from approximately 142,129 gross square feet to approximately 150,327 gross square feet, and that a second building is not included in the current plans, and

That the revised site plan now provides for 847 parking spaces as compared to the 754 spaces provided for in the applicant's original conceptual site plan, and

That the revised site plan includes an outdoor seasonal sales area in the southwest corner of the parking lot, and

That the changes to the site plan will not result in any material alteration of the ingress/egress or roadway improvements outlined in the conceptual site plan, and

That the current grading and storm sewer plan incorporates a berm along the eastern boundary of the site, in response to the concerns of certain residents living to the east of the site. The proposed berm will extend from the south end of the site to approximately 50 feet north of the proposed edge of the parking area. The berm will be 40 feet wide, five feet high, and will be topped with two staggered rows of six-foot evergreen trees, and

That the location of the aforementioned berm as shown in the applicant's site plan and landscaping plan inadvertently is incorrect and should be conformed to the correct location shown on the applicant's grading and storm sewer plan, and

That the applicant's grading plan also includes a landscaped berm opposite the loading dock on William Street, and

That the grading and storm sewer plan provides for continuous flow of stormwater from the adjacent Northwood Village into and through the project site rather than into the storm water detention basin, and

That stormwater from the outparcels will drain directly into the NYSDOT system rather than through the site into the storm water retention basin, and

That the dimensions and capacity of the storm water retention basin have been appropriately revised to reflect the above changes, and

That the revised site plan now includes 32 foot high lighting poles in the parking area.

WHEREAS, the Town Board has made the following supplemental SEQRA findings:

That a more extensive site development proposal than that reflected in the applicant's current, revised site plan proposal has been the subject of extensive review and public hearings by the Town of Lancaster Municipal Review Committee, Planning Board and Town Board under SEQRA in connection with the applicant's prior rezoning application. That rezoning application and accompanying EIS included a conceptual site plan encompassing approximately 36.9 acres for a commercial development that would convert approximately 33.63 acres for the construction of not one, but two buildings, totaling approximately 270,000 square feet and associated parking, driveways, storm water detention and related facilities.

That both the Town Board and the Municipal Review Committee on April 8, 2002 adopted detailed and comprehensive SEQRA Findings Statements concluding that, with a full development of the site in accordance with the aforementioned conceptual site plan, the applicant's project, incorporating the mitigation and enhancement measures set forth in the SDEIS and FEIS, would avoid or mitigate any adverse environmental effects to the maximum extent practicable, and

That the Zoning Board of Appeals of the Town of Lancaster on January 23, 2003 adopted its own detailed and comprehensive SEQRA Findings Statement concluding that the area variances granted in connection with applicant's current site plan, incorporating various mitigation and enhancement measures derived from the SDEIS, FEIS and the Zoning Board's independent review, would avoid or mitigate any adverse environmental effects to the maximum extent practicable.

That the wetlands mitigation measures associated with the current site plan proposal will, in fact, exceed those set forth in the SDEIS and FEIS. The United States Army Corps. of Engineers recently issued a wetlands permit for the project. The permit authorizes the applicant to fill all of the 7.54 acres of wetland on the site, subject to the mitigation measures in the permit. In addition to the mitigation measures discussed in the SDEIS and FEIS, the USACE permit requires the applicant to remit to Ducks Unlimited \$7,200.00 per acre for the re-creation and enhancement of twelve (12) acres of emergent marsh in the Tonawanda State Wildlife Management Area.

That the New York State Department of Environmental Conservation (DEC) has, by letter of November 13, 2002, concurred with USACE's conclusion that waiver of the water quality certification has occurred in accordance with 33 C.F.R. Part 325.

That the applicant's current, more detailed site plan proposal has permitted a more thorough analysis of impacts such as visual and aesthetic impacts, storm water run-off and drainage.

That with respect to visual and aesthetic impacts, the project is consistent with the general neighborhood character as described herein.

That the shorter light poles reflected in the current site plan proposal will be screened to a substantial degree by the building, the new berm and evergreen buffer, and the existing heavily wooded area along the eastern boundary of the site. In addition, the revised site plan continues to provide for the use of specially-designed light fixtures incorporating flat lenses to mitigate adverse impacts on adjoining properties.

That any adverse visual impacts from the project will be further mitigated by extensive tree plantings and other landscaping along the perimeter of the site.

That the applicant's grading and storm sewer plan, storm water pollution prevention measures and erosion control plans are consistent with applicable state and local requirements and will mitigate any adverse storm water and runoff impacts to the maximum extent practicable, particularly in light of the fact that neither storm water from the adjacent Northwood Village nor the outparcels will drain into the on-site storm water detention basin.

That the grading plan included in the present application incorporates a berm along the eastern boundary of the site which will enhance the buffer area and mitigate the visual, aesthetic and light impacts of the project on the residents in the Northwoods Subdivision to the maximum extent practicable.

That for the reasons set forth herein, as well as the extensive documentation in the applicant's SDEIS, FEIS and prior SEQRA Findings by the Municipal Review Committee, Town Board and Zoning Board of Appeals, which findings are hereby adopted and incorporated herein, the site plan proposal now before us does not present any significant adverse impacts on traffic conditions, visual resources and aesthetics, storm water runoff, drainage, lighting or other environmental criteria addressed in the SEQRA regulations at 6 N.Y.C.R.R. Part 617.7.

That the accompanying certification of SEQRA compliance is incorporated herein.

WHEREAS, the Town Board has made the following general findings:

1. The Planning Board and Town Board have determined to accept the applicant's revised site plan proposal as complete and waive the submission of a separate development plan.
2. The proposed site plan is consistent with the intent, objectives and specific requirements of the Town of Lancaster Zoning Ordinance and the area variances recently granted by the Town of Lancaster Zoning Board of Appeals.

3. There are adequate services and utilities available or proposed to be made available in the construction of the proposed retail building and prior to occupancy.
4. The site plan is consistent with all other applicable laws.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the revised site plan submitted by the applicant on December 24, 2002, subject to the following conditions relating to various mitigation and enhancement measures derived from the aforementioned SDEIS and FEIS and SEQRA findings:

- A Developer shall install 5' sidewalks on William Street from Transit Road to the east property line;
- B Developer shall dedicate a 60' conservation easement to the Town of Lancaster in accordance with the Town of Lancaster Town Board's rezoning resolution dated April 8, 2002, which easement shall recite that there shall be no disturbance of the natural setting permitted except as determined to be necessary by the Town of Lancaster to assure the integrity of the conservation area and its purpose to provide a buffer to the residential housing located easterly of the premises, which buffer purpose will be furthered by construction of the berm shown on the applicant's grading plan. Said berm shall avoid disturbance of the natural vegetation in the buffer area to the maximum extent practicable.
- C Developer shall paint the rear wall of the building in earth-tone colors as approved by the Town Board; the wall shall not be colored concrete block or painted white.
- D Developer shall locate all garbage dumpsters on the south side of the building near the loading docks.
- E Developer shall cause screening of the HVAC units which shall be located on the roof of any building as far to the west or front face of the building roof as practical to reduce noise emanating from these units.
- F Developer shall not be permitted to extend the paper street Transit Boulevard from Transit Road as a public or private roadway and, further, shall not be permitted to connect any paved parking area on site to an existing dedicated Transit Boulevard to the east or to any private road, extension of Transit Boulevard, or any portion of the paper street identified as Transit Boulevard running easterly from the project site.

- G** Developer shall not be permitted to cause installation of loading docks along the easterly or rear wall of the building.
- H** Developer shall landscape the site in general conformance with the site plan with free standing trees to be planted at 20' intervals.
- I** Developer and owner shall grade, vegetate and maintain that area of the site that is stripped and not developed.
- J** The north roadway as shown shall not be built as part of this phase.
- K** Developer to construct turning lanes on William Street at the access road to William Street to wit: an easterly left turn lane and a westerly right turn lane resulting in a four lane road at the access road at William Street.
- L** No deliveries to be permitted to the one (1) commercial building situate on the easterly half of the property between the hours of 11:00 PM and 7:00 AM, Local Time.
- M** No outside public address speakers will be allowed in the easterly 300 ft. of the property and no outside speakers anywhere on site shall face easterly.
- N** Developer, owner or tenant to be responsible for replacement of any planting per this site plan which is damaged or dies with replacement to be made in the fall or spring growing season.
- O** No overnight parking recreational vehicles or trucks.
- P** No temporary storage trailers or other storage units.
- Q** Any sidewalk disturbed by pavement buildout along Transit Road shall be replaced.
- R** Subject to Zoning Board of Appeals approval of any area variances deemed necessary in connection with project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

**CERTIFICATION OF SEQRA FINDINGS TO
APPROVE SITE PLAN APPLICATION**

In accordance with 6 N.Y.C.R.R. § 617.11(d)(4) and (5), this is to certify that:

The requirements of the SEQRA regulations at 6 N.Y.C.R.R. Part 617 have been met.

Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

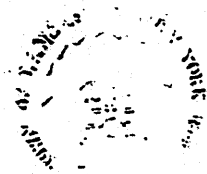
TOWN OF LANCASTER TOWN BOARD

Robert H. Giza

Robert H. Giza, Town Supervisor
21 Central Avenue, Lancaster, New York 14086

February 12, 2003

Date



File: rwilliamtransitreviseplansiteplanapproval2103

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has been awarded a grant from the Erie County Consortium for Community Development Block Grant Funds in the sum of \$37,500 for the purpose of funding the preparation of an industrial park planning study for the Town of Lancaster to include an area of approximately 300 acres of industrial zoned property immediately east of the Village of Lancaster and north of Erie Street, the parcel having the potential to provide rail served industrial park sites which will promote smart growth within the Town while allowing for economic growth and job creation and at the same time preserving the existing character and community of the Town and providing maximum safety to the residents, and

WHEREAS, the Town Board has reviewed the grant and understands that the grant will be matched by a cash contribution of equal or greater value from Seneca Development and Management Corporation or Casillio Seneca LLC and with these funds then available totaling at least \$75,000 they will be considered a local match for an additional \$75,000 grant from New York State under the Build Now - NY program, and

WHEREAS, the Town Board deems it in the public interest to enter into a contract with the County of Erie to accept the grant funds in the sum of \$37,500. and to further enter into an agreement with Seneca Development and Management Corporation or Casillio Seneca LLC which will provide for the pass through of the funds for the purpose of completing the industrial park planning study.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a contract with the County of Erie by which the County will provide the \$37,500 in CBDG funds to the Town of Lancaster for the industrial park planning study as aforesaid, and

FURTHER, the Town Board authorizes the Supervisor of the Town of Lancaster to execute a contract with Seneca Development and Management Corporation or Casillio Seneca LLC to provide for the pass through of funds to complete the beforementioned study.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: rcdbgindustrialpark203

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 516 to Claim No. 805 Inclusive

Total amount hereby authorized to be paid: \$620,349.74

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

10183	Alberti Landscaping	491 Erie St	Inst. Tank	
10184	Merrell, David	73 Old Post Rd	Er. Shed	
10185	Zafirakis, Gregory	5428 Genesee St	Er. Shed	
10186	Albert V. Randaccio	11 Buckingham Ct	Er. Dwlg.-Sin.	
10187	Latella, John	205 Central Ave	Er. Comm. Alt.	(V/L)
10188	American Sales Inc	4201 Walden Ave	Inst. Tank	
10189	Buffalo Crushed Stone	Barton Rd	Er. Silo	
10190	Marino, Vincent	41 Cedar Brook Dr	Er. Shed	
10191	Marrano/Marc Equity	43 Apple Blossom Blvd	Er. Dwlg.-Sin.	
10192	Transit French Assoc.	4779 Transit Rd	Er. Comm. Alt.	
10193	Pulco, Jason	475 Schwartz Rd	Er. Shed	
10194	Todd Erection Corp	4949 Transit Rd	Er. Comm. Bldg.	
10195	Central Fireplace	26 Summerfield Dr	Er. Fireplace	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File:Rbldg2

MEMORANDUM OF AGREEMENT
between
TOWN OF LANCASTER
AND
CAYUGA CLUB
POLICE BENEVOLENT ASSOCIATION, INC.

ISSUES

1. Contract Term 1/1/03 - 12/31/04
Wages 1/1/03 - 4%
1/1/04 - 3%
2. Shift Bids - See Attached Language
3. Tier II Elimination - Withdrawn
4. 9/11 Holiday - Withdrawn
5. Training - Section 15.03 removed from the contract
6. Detectives Schedule
5:2 Remains
Effective 1/03 - 8 days may be taken or paid
Effective 1/04 - 8 additional days as above
7. Health Insurance paid for all members upon retirement will be negotiated after 12/01/03
8. Sell Back Increase
Effective 1/03 2 additional days for total 10 days
Effective 1/04 2 additional days sell back for total 12 days.
9. Vacation - All days may be taken in single days.
10. Sick Leave Buy Back
The Town will provide 100% of accrued sick leave upon retirement to all officers who retire from the Town prior to June 1, 2003. This exception to Section 10.03 is for the year 2003 only.
11. Town health insurance as proposed will be negotiated after 12/01/03.
12. Section 207-c proposal withdrawn.
13. The Town agrees to a resolution that all members that currently have Health Insurance paid by the Town upon retirement cannot have this benefit negotiated away.

Patrol lieutenants may bid shifts amongst themselves by seniority every six months.

Lieutenants with less seniority will work their first shift preference when the senior lieutenant and patrol captain (on day shift only) are both off, either on their R.D.O., vacation time, personal leave days, legal holidays, extended sick leave, bereavement or use of comp. time shifts will not be changed under this section with less than forty-eight hours notice - if two weeks or does not effect the manpower being moved.

For the Town of Lancaster

For the Cayuga Club

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Stempniak, moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed a Memorandum of Agreement which has been reached between the negotiating team representing the Town of Lancaster in its police contract negotiations with the collective bargaining unit of the Town of Lancaster police department known as the Cayuga Club Police Benevolent Association, Inc., and

WHEREAS, the Cayuga Club membership has heretofore ratified the Memorandum of Agreement, and

WHEREAS, after due review and consideration the Town Board deems it in the public interest to ratify the Memorandum of Agreement which will be incorporated into a two year contract between the Town of Lancaster and the Cayuga Club.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts and ratifies the Memorandum of Agreement as negotiated with the beforementioned Cayuga Club which will be incorporated into a two year contract between the Town of Lancaster and the Cayuga Club, such Memorandum of Agreement being attached hereto and made a part hereof and authorizes the Supervisor of the Town of Lancaster to execute the Memorandum and full agreement when prepared.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

February 10, 2003

File: rpbcontract203.wpd

COMMUNICATIONS & REPORTS:

55. Arnold Palmer Golf to Town Board -
Advisement of renewal of liquor license for Fox Valley Golf Club. DISPOSITION = Town Attorney
56. Paul H. Przybysz to Town Board -
Comments regarding Supervisor's recent television appearance. DISPOSITION = Received & Filed
57. Paul H. Przybysz to Town Board -
Comments regarding the DEIS for proposed Pleasant Meadows Rezone. DISPOSITION = Received & Filed
58. American Farmland Trust & Western New York Land Conservancy to Town Board -
Notice of workshop for Conservation Options in Estate Planning, February 25, 2003, at East Aurora. DISPOSITION = Received & Filed
59. Highway Superintendent to Town Board -
Request resolution to accept bid for surplus truck from Nature's Way Environmental Consultants & Contractors Inc. DISPOSITION = Resolution 2/10/2003
60. Mark & Kim Mendola to Town Board -
Comments regarding the DEIS for proposed Pleasant Meadows Rezone and Subdivision. DISPOSITION = Planning Committee
61. Executive Director, Lancaster Opera House to Supervisor -
Letter confirming results of meeting of January 10, 2003. DISPOSITION = Received & Filed
62. Town Attorney to Law Offices of Bouvier, O'Connor, LLP -
Letter regarding bid proposals for refuse and garbage collection. DISPOSITION = Town Attorney
63. Town Attorney to Municipal Review Committee -
Transmittal of Final GEIS concerning the Comprehensive Master Plan. DISPOSITION = Planning Committee
64. The Susan G. Komen Breast Cancer Foundation to Town Clerk -
Notification of the 3rd Annual Susan B. Komen Breast Cancer Foundation Race for the Cure on June 8, 2003. DISPOSITION = Received & Filed
65. Cricket Communications to Town Board -
Request approval for co-location on existing SBA Telecommunications Tower, 69 Cemetery Road. DISPOSITION = Resolution 2/10/2003
66. Safety Coordinator to Town Board -
Minutes of Safety Meeting of January 15, 2003. DISPOSITION = Received & Filed
67. John and Nancy Whiteford to Town Board -
Comments regarding the proposed Pleasant Meadows rezone. DISPOSITION = Received & Filed
68. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting February 10, 2003 at 6:30 PM regarding Cricket Communications co-location on SBA Tower, 69 Cemetery Road. DISPOSITION = Received & Filed
69. Town Clerk to Various News Media -
Notice to media of SEQR meeting, February 10, 2003 at 6:30 PM to review application for co-location of Cricket Communications on SBA Tower, 69 Cemetery Road. DISPOSITION = Received & Filed

70. Town Clerk to Various News Media -
Notice to media of a Public Informational Meeting, February 11, 2002 at 7:30 PM, at the Village Municipal Building regarding the transfer of functions from the Village of Lancaster Police Department to the Town of Lancaster Police Department.
DISPOSITION = Received & Filed
71. Village of Lancaster to Town Board -
Official minutes of meeting held January 13, 2003. DISPOSITION = Received & Filed
72. David Mansell to Supervisor, Town Board, Planning Board -
Comments regarding the proposed Pleasant Meadows rezone. DISPOSITION = Planning Committee
73. Mark & Kim Mendola to Town Board -
Comments regarding the proposed Pleasant Meadows rezone. DISPOSITION = Planning Committee
74. Planning Board to Town Board -
Recommendation to approve Windsor Ridge Subdivision Phase Five with conditions.
DISPOSITION = Planning Committee
75. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held January 22, 2003.
DISPOSITION = Received & Filed
76. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from the Town Forestry Department for the site plan of Buffalo-Lancaster Airport (reconstruction of runways). DISPOSITION = Planning Committee
77. Jeremy A. Colby to Town Board -
Comments regarding the proposed Pleasant Meadows rezone. DISPOSITION = Planning Committee
78. Highway Superintendent to Planning Board Chairman -
Notice of approval from the Town Highway Department for the site plan of Buffalo-Lancaster Airport (reconstruction of runways). DISPOSITION = Planning Committee
79. Donald G. Symer, P.E. to Town Board -
Comments regarding the proposed Pleasant Meadows rezone. DISPOSITION = Planning Committee
80. Shirley A. Smith to Town Clerk -
Comments regarding continuing development in the town. DISPOSITION = Received & Filed
81. Mark Barton to Supervisor -
Letter of appreciation regarding Assistant DCO, Jim Muench, for his assistance.
DISPOSITION = Received & Filed
82. NYS DEC to Town Board -
Notice of statewide satellite broadcast on February 13, 2003 regarding Stormwater Permits for Municipal Separate Stormwater Sewer Systems. DISPOSITION = Received & Filed
83. Erie County Dept. of Environment & Planning to Town Attorney -
Response to review of FGEIS for the Comprehensive Master Plan.
DISPOSITION = Planning Committee
84. Town Clerk to Supervisor -
Transmittal of monthly report for January 2003. DISPOSITION = Received & Filed

85. General Crew Chief to Town Board -
Request resolution awarding contract for the 2003 spring tree planting program to Concord Nurseries. DISPOSITION = Resolution 2/10/2003
86. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting on Wednesday, February 12, 2003 at 9:30 AM. DISPOSITION = Received & Filed
87. General Crew Chief to Supervisor -
Request appointment of Glenn Roll as Van Driver. DISPOSITION = Resolution 2/10/2003
88. Greater Lancaster Museum of Fire Fighting to Supervisor -
Update on the progress of the Fire Fighting Museum. DISPOSITION = Received & Filed
89. NYS DEC to Town Board -
Notice of public hearing regarding the Draft New York State Solid Waste Management Plan, 2001/2002 Update. DISPOSITION = Received & Filed
90. Association of Erie County Governments to Town Board -
Notice of meeting on Thursday, February 27, 2003. DISPOSITION = Received & Filed
91. Mr. & Mrs. Lawrence Miller to Town Board -
Comments regarding proposed Transit Road reconstruction. DISPOSITION = Received & Filed
92. Richard & Sonja Twardowski, Melissa Bednarz to Town Board -
Comments regarding proposed Transit Road reconstruction. DISPOSITION = Received & Filed
93. Town Engineer to Town Board -
Recommendation for acceptance of storm sewer, pavement and curb, and waterline for Eastport Commerce Center Phase I. DISPOSITION = Resolution 2/10/2003

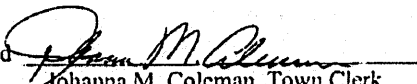
ADJOURNMENT:

On MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER STEMPNIAK, on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:15 P.M.

Signed


Johanna M. Coleman, Town Clerk